

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:19-cv-00924

MICHAEL B. JONES

Plaintiff,

v.

CITY PLAZA, LLC,  
T.E. JOHNSON & SONS, INC., and  
ONLINE INFORMATION SERVICES,  
INC.

Defendants.

**DEFENDANT CITY PLAZA, LLC'S**  
**MOTION TO DISMISS**

COMES NOW Defendant City Plaza, LLC, by and through its attorneys and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and hereby moves that this action against it be dismissed with prejudice for failure to state a claim upon which relief can be granted. The grounds for the motion are more fully explained in this Defendant's brief filed contemporaneously with this motion.

WHEREFORE, Defendant City Plaza, LLC prays that this action against it be dismissed with prejudice pursuant to Rule and 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim against it; and that the Court grant to this Defendant such other and further relief as to the Court may seem just and proper.

Respectfully submitted, this the 20th day of November, 2019.

/s/ Jack B. Bayliss, Jr.

Jack B. Bayliss, Jr. (NCSB 8637)

[jbayliss@crlaw.com](mailto:jbayliss@crlaw.com)

Rachel S. Decker (NCSB 22020)

[rsd@crlaw.com](mailto:rsd@crlaw.com)

*Attorneys for Defendant City Plaza, LLC*

CARRUTHERS & ROTH, P.A.

235 N. Edgeworth St. (27401)

Post Office Box 540

Greensboro, North Carolina 27402-0540

Telephone: 336-379-8651

Facsimile: 336-478-1175

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served on all parties to this action by electronically filing the same with the Clerk of Court using the CM/ECF system, which caused notification of such filing to be emailed to the following parties of record:

Jonathan R. Miller  
Law Office of Jonathan R. Miller, PLLC  
d/b/a Salem Community Law Office  
717 S. Marshall St., Ste. 105F  
Winston-Salem, NC 27101  
[jmiller@salemcommunitylaw.com](mailto:jmiller@salemcommunitylaw.com)  
*Attorney for Plaintiff*

John L. Wait  
Wait Law, PLLC  
846 West Fourth Street  
Winston-Salem, NC 27101  
[john@wait-law.com](mailto:john@wait-law.com)  
*Attorney for Defendant T.E. Johnson & Sons, Inc.*

Caren D. Enloe  
Smith Debnam Narron Drake  
Saintsing & Myers LLP  
P.O. Box 176010  
Raleigh, NC 27619-6010  
*Attorney for Defendant Online Information Services, Inc.*

This the 20th day of November, 2019.

/s/ Jack B. Bayliss, Jr.  
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Jack B. Bayliss, Jr. (NCSB 8637)  
[jbayliss@crlaw.com](mailto:jbayliss@crlaw.com)  
Rachel S. Decker (NCSB 22020)  
[rsd@crlaw.com](mailto:rsd@crlaw.com)  
*Attorneys for Defendant City Plaza, LLC*  
CARRUTHERS & ROTH, P.A.  
235 N. Edgeworth St. (27401)  
Post Office Box 540  
Greensboro, North Carolina 27402-0540  
Telephone: 336-379-8651  
Facsimile: 336-478-1175